IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 8127 OF 2007

DATE OF DECISION: May 25, 2007

Parties Name

The Executive Engineer

..PETITIONER

VERSUS

Shri Kartar Singh and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MRS. JUSTICE NIRMAL YADAV

PRESENT: Mrs. Mamta Singhal Talwar. AAG. , Haryana,
for the petitioner.

JASBIR SINGH, J. (oral)

Order.

This writ petition has been filed to lay challenge to the award dated May 5, 2004 (Annexure P-5), passed by the Presiding Officer, Industrial Tribunal -cum- Labour Court, Rohtak, ordering re-instatement of respondent No. 1 -workman with continuity of service and payment of 50% of the back wages. It was case of the respondent – Workman that his services were terminated on February 10, 1997, without complying with the provisions of Section 25-F of the Industrial Disputes Act, 1947. On demand raised, matter was referred to the Labour Court for adjudication. Issues were framed. Parties were asked to lead evidence. Respondent -Workman, to prove his case, put on record detail of the days he worked with the petitioner- Management, and the same was taken on record as Ex. M1. He also moved an application with a prayer that the petitioner- Management be directed to produce records, to show that he has worked for more than 240

days in twelve months, preceding the date of his termination. Despite directions given, record of two sub divisions was not produced. No explanation was given for non-production of the record. On account of that, adverse inference was rightly drawn against the petitioner. In view of findings given by the Labour Court on issue No. 1 in paras No. 8 to 10 of the award, which we feel are perfectly justified, no case is made out for interference. Dismissed.

(Jasbir Singh)
Judge

(Nirmal Yadav)
Judge

May 25, 2007.
DKC